

**Virginia Soil and Water Conservation Board
Thursday, September 28, 2006 – 9:30 a.m.
Natural Resources Conservation Service
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

Linda S. Campbell, Chair	Susan Taylor Hansen
Benjamin H. Graham	Joseph H. Maroon, Director, DCR
Granville M. Maitland, Vice Chair	Jean R. Packard
Richard E. McNear	Raymond L. Simms
Michael J. Russell	
M. Denise Doetzer, NRCS, Ex Officio	

Virginia Soil and Water Conservation Board Members Not Present

Michael Altizer

DCR Staff Present

William G. Browning	David C. Dowling
Jack E. Frye	Lee Hill
Mark Meador	Jim Robinson
Christine Watlington	R. Gary Waugh
Ryan Brown	

Others Present

John Bailey, Lake of the Woods
Steve Calos, Virginia Association of Soil and Water Conservation Districts
Doug Rogers, Lake of the Woods

Call to Order

Chairman Campbell called the meeting to order at 9:32 a.m. She welcomed members and noted that new member, Michael Altizer was unable to attend the meeting.

Minutes of July 20, 2006 Meeting

MOTION:	Ms. Packard moved that the minutes of the July 20, 2006 meeting be approved as submitted.
SECOND:	Mr. Maitland
DISCUSSION:	None

VOTE: Motion carried unanimously

Director's Report

Mr. Maroon noted that a two-day Board meeting was planned for November 15 and 16 in Richmond for the purposes of discussing and advancing the draft Stormwater Management and Dam Safety Regulations.

Mr. Maroon said that the FY07 budget included an additional \$2 million for the to Soil and Water Conservation Districts for District staffing to facilitate cost share delivery.

Mr. Maroon gave an overview of the Governor's Natural Resources Leadership Summit held at Hungry Mother State Park. He noted that Mr. Evans and Ricky Rash were there representing the Virginia Association of Soil and Water Conservation Districts.

He also noted that Governor Kaine has announced a land conservation goal of an additional 400,000 acres by 2010. The agency will double its efforts to meet this goal. Attaining this goal will require a doubling of acreage on an annual basis.

Soil and Water Conservation District Related Topics

Director Resignations and Appointments

Mr. Meador distributed copies of the nomination form from the District and the background information form regarding the person nominated. Copies of these forms are available from DCR.

For each nomination staff will collect the information and review to make sure it is complete before bringing this to the Board. This is subject to discussion and change by the Board.

Mr. Meador said this has evolved over time and is not prescribed by statute.

Mr. Meador presented the following list of District Director Resignations and Appointments:

Lake Country

Resignation of Harold L. Alderfer, Brunswick County, effective 9/14/06, elected director position (term of office expires 1/1/08).

Monacan

Resignation of J. E. Poore, Powhatan County, effective 4/1/06, appointed director position (term of office expires 1/1/07).

Recommendation of Janis E. Ranck, Powhatan County, to fill unexpired appointed term of J. E. Poore (term of office to begin on or before 10/28/06 and will expire on 1/1/07).

Patrick

Recommendation of Joseph A. Sparks, Patrick County, to fill unexpired elected term of Kenneth Michael Jessup (deceased) (term of office to begin on or before 10/28/06 and will expire on 1/1/08).

Prince William

Resignation of Steven M. Danziger, Prince William County, effective 12/31/06, elected director position (term of office expires 1/1/08).

Tidewater

Recommendation of Tyler Crittenden, Middlesex County, to fill unexpired appointed term of Cara Carmine (term of office to begin on or before 10/28/06 and will expire on 1/1/07).

Tri-County/City

Resignation of Spencer Hudson, Stafford County, effective 2/24/06, elected director position (term of office expires 1/1/08).

Recommendation of Susan Gilbert, Stafford County, to fill unexpired elected term of Spencer Hudson (term of office to begin on or before 10/28/06 and will expire on 1/1/08).

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the list of resignations and appointments as submitted.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Meador presented the following list of the at-large director (non-extension agent) recommended appointments for four-year terms beginning on January 1, 2007.

<u>SWCD</u>	<u>Incumbent</u>	<u>Recommended</u>
Appomattox River	Evelyn Mitchell Dinwiddie	Daniel S. Rapp Dinwiddie
Big Sandy	Bobby E. O'Quin Buchanan	Bobby E. O'Quin Buchanan

Big Walker	Samuel H. Cassell Wythe	Samuel H. Cassell Wythe
Blue Ridge	G. Dan Pace Henry	G. Dan Pace Henry
Chowan Basin	Walter W. Robinson, Jr. Greensville	Walter W. Robinson, Jr. Greensville
Clinch Valley	Michael G. Altizer Russell	Michael G. Altizer Russell
Colonial	George W. Fisher New Kent	
Culpeper	John H. Boldridge Culpeper	John H. Boldridge Culpeper
Daniel Boone	Wayne Denson Lee	Ernest L. Whitt Lee
Eastern Shore	Richard F. Hall, III Accomack	Richard F. Hall, III Accomack
Evergreen	Preston Richardson Smyth	Preston Richardson Smyth
Halifax	S. Baxter Wilson Halifax	S. Baxter Wilson Halifax
Hanover-Caroline	Park A. Dodd, Jr. Caroline	Park A. Dodd, Jr. Caroline
Headwaters	Richard M. Shiflet Augusta	Richard M. Shiflet Augusta
Henricopolis	Gatewood H. Stoneman Henrico	Gatewood H. Stoneman Henrico
Holston River	David C. Johnson Washington	David C. Johnson Washington
James River	William D. Kreider Prince George	William D. Kreider Prince George
John Marshall	Mary Lou Trimble	Mary Lou Trimble

	Fauquier	Fauquier
Lake Country	Henry D. Rice Brunswick	Henry D. Rice Brunswick
Lonesome Pine	Glenn F. Graham Dickenson	Glenn F. Graham Dickenson
Lord Fairfax	Meryl N. Christiansen Warren	Meryl N. Christiansen Warren
Loudoun	James B. Christian Loudoun	James B. Christian Loudoun
Monacan	Janis Ranck Powhatan	Janis Ranck Powhatan
Mountain	Ellen Ford Bath	Ellen Ford Bath
Mountain Castles	John D. Seibel Botetourt	John D. Seibel Botetourt
Natural Bridge	E. Burwell Wingfield City of Lexington	E. Burwell Wingfield City of Lexington
New River	Betty Whittaker Carroll	
Northern Neck	James E. Minor Westmoreland	James E. Minor Westmoreland
Northern Virginia	Jean R. Packard Fairfax	Jean R. Packard Fairfax
Patrick	Lemlie H. Corns Patrick	Lemlie H. Corns Patrick
Peaks of Otter	Lowell M. Gobble City of Bedford	Thomas Watson Bedford
Peanut	Carey M. Copeland City of Suffolk	Carey M. Copeland City of Suffolk
Peter Francisco	Terry Seal Cumberland	Terry Seal Cumberland

Piedmont	Charles E. Dodson Amelia	Juan Whittington Amelia
Pittsylvania	Aubrey R. Pritchett Pittsylvania	Aubrey R. Pritchett Pittsylvania
Prince William	Ronald K. Burgess Prince William	Steven Danziger Prince William
Robert E. Lee	Gilliam Cobbs City of Lynchburg	Calvin Johnson City of Lynchburg
Scott County	Delta Purkey Scott	Delta Purkey Scott
Shenandoah Valley	Randolph J. Maupin Rockingham	Randolph J. Maupin Rockingham
Skyline	Edward B. Hale Montgomery	Edward B. Hale Montgomery
Southside	Bruce Thompson Lunenburg	Catherine J. Garnett Charlotte
Tazewell	Joyce G. Buchanan Tazewell	Joyce G. Buchanan Tazewell
Thomas Jefferson	Patrick A. Hanley Louisa	Susan Swales Fluvanna
Three Rivers	Roland B. Geddes Essex	Roland B. Geddes Essex
Tidewater	Tyler Crittenden Middlesex Co.	Tyler Crittenden Middlesex Co.
Tri-County/City	Richard A. Street City of Fredericksburg	Richard A. Street City of Fredericksburg
Virginia Dare	Melvin Atkinson City of Virginia Beach	Melvin Atkinson City of Virginia Beach

Mr. Meador said that this list represents the routine four year cycle for the at-large director (non-extension agent) appointments. All terms currently expire on December 31, 2006. Mr. Meador said

that nominees for the two districts without recommendations would be brought to the Board at the next meeting.

Ms. Packard said that as she is a nominee for one of the Districts, she would abstain from voting.

MOTION: Ms. Hansen moved that the list of extension agent appointments be approved as submitted.

SECOND: Mr. Graham

DISCUSSION: None

VOTE: Motion carried with Ms. Packard abstaining

Evaluation Guidance for Performance Deliverables Contained In FY07 DCR/SWCD Grant Agreements

Mr. Meador presented the document entitled FY 2006-2007 Performance Deliverables for Acceptance of DCR Funds to Carry out This Agreement and for Operating Expenses to the Extent That Funding Permits.” A copy of this document is available from DCR.

Mr. Meador said the Board’s financial policy provides for a list of performance deliverables for each year which is then included in the grant agreement.

Mr. Meador said the changes were not substantial. He said that DCR would evaluate Districts based on agreements. He noted that some items were difficult to evaluate.

Mr. Meador said the criteria were essentially the same as the previous year and noted that the deliverables have changed slightly. He said staff recommendation was to approve the list.

Mr. Maitland asked if the changes would decrease paperwork or would add a layer of redundancy. He noted a concern that the required paperwork was growing.

Mr. Meador said that the format has not been reviewed by staff or the Districts. He said that staff has aimed for brevity, but noted that the form is required by the budget language. He noted that the budget language requires the collection of this information.

Mr. Maroon noted that DCR shared Mr. Maitland’s concerns and that staff had worked with the Division and NRCS to address the concerns.

Ms. Campbell said the Soil and Water Conservation Districts should be involved in the form development process for the gathering of this information.

MOTION: Mr. Maitland moved that revision to the Evaluation Guidance for Performance Deliverables Contained In FY07 DCR/SWCD Grant Agreements be approved as submitted by staff.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Thomas Jefferson Soil and Water Conservation District Realignment

Mr. Meador said that the information regarding the addition of the City of Charlottesville to the Thomas Jefferson Soil and Water Conservation District had been sent to the U.S. Department of Justice with the assistance of Mr. Brown. When the response from the Justice Department is received, the Virginia Secretary of the Commonwealth will be requested to issue a new certificate of organization to complete the process.

Mr. Meador said that the District had recommended 2 board members to represent the City of Charlottesville. He noted that the members could not qualify to serve until the realignment of the District was finalized.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the appointments of John G. Conover and Dr. Richard C. Collins; both residents of the City of Charlottesville to serve as directors on the Thomas Jefferson Soil and Water Conservation District (TJSWCD) Board representing the City of Charlottesville. Both individuals must qualify for their positions by fulfilling the Oath of Office requirements (§ 49-1 et seq.) within 30 days (on or before October 28, 2006). However, they shall not fulfill the responsibilities of their positions until the District is in receipt of the new certificate of organization issued by the Secretary of the Commonwealth. Both shall serve until January 1, 2008. Thereafter, these director positions shall be filled through the election process provided through established laws.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Dam Safety Certificates and Permits

Compliance Issues

Enforcement Actions

Mr. Browning presented the list of Enforcement Actions. A copy of that list is available from DCR. No Board action was required on this list.

Certificates

Mr. Browning presented the Conditional Operation and Maintenance Certificate recommendations:

00341	Clover Dam	ALBEMARLE	Class II Conditional	9/30/08
14506	Lower Byers Dam	POWHATAN	Class III Conditional	9/30/08

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the Operation and Maintenance Certificate Recommendations as presented by DCR staff and that staff communicate the Board actions to the affected dam owners.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Regular Certificates

Mr. Browning presented the Regular Operation and Maintenance Certificate Recommendations:

00925	Triple Z. Dam	AMHERST	Class III Regular	9/30/2012
01107	George Taylor Dam	APPOMATTOX	Class III Regular	9/30/2012
01922	Ivy Hill Dam	BEDFORD	Class I Regular	9/30/2012
05905	Pohick Creek	FAIRFAX	Class I Regular	9/30/2012
06921	Lake Isaac Dam	FREDERICK	Class I Regular	9/20/2012
08502	South Anna Dam #52B	HANOVER	Class III Regular	9/30/2012
08546	Upper SWM Pond @ Mountain Run Dam	HANOVER	Class III Construction	9/30/2012
13710	J.A. Strong	ORANGE	Class III Regular	9/30/2012
66002	Lake Terrace Dam	CITY OF HARRISONBURG	Class III Regular	9/30/2012

MOTION: Ms. Packard moved that the Virginia Soil & Water Conservation Board approve the Operations and Maintenance Certificate Recommendations as presented by DCR staff and that staff communicate the Board actions to the affected dam owners.

SECOND Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Construction and Alteration Permits

Mr. Browning presented the list of Permit Recommendations:

08545	Lower SWM Pond @ Mountain Run Dam	HANOVER	Class III Construction	9/28/2006-9/30/2008
10112	Mitchell Mill Pond Dam	KING WILLIAM	Class II Construction	9/28/2006-9/30/2008
13701	Lake of the Woods Dam	ORANGE	Class I Alteration	9/28/2006-3/31/2007
18712	Loch Linden Dam	WARREN	Class II Alteration	9/28/2006-9/30/2008
77001	Windsor Lake Dam	CITY OF ROANOKE	Class II Alteration	9/28/2006-9/30/2007

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations and presented by DCR staff and that staff communicate the Board actions to the affected dam owners.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

Mr. Brown presented the list of Extension recommendations:

01505	South River Dam #23	AUGUSTA	Class III Conditional	9/30/2008
01514	South River Dam#19	AUGUSTA	Class III Conditional	9/30/2008
01908	Spring Lake Dam	BEDFORD	Class III Conditional	9/30/2007
01930	Elk Garden Lake Dam	BEDFORD	Class III Regular	1/31/2007
05931	Fairview Lake Dam	FAIRFAX	Class I Conditional	1/31/2007

06515	Andersons Dam	FLUVANNA	Class III Conditional	1/31/2007
06702	Upper Blackwater River Dam #4	FRANKLIN	Class I Conditional	3/31/2007
06904	Cherokee Dam	FREDERICK	Class II Conditional	3/31/2007
07907	Saponi Dam	GREENE	Class III Regular	1/31/2007
08302	Conner Dam	HALIFAX	Class III Conditional	9/30/2007
08501	Camp Hanover Dam	HANOVER	Class III Conditional	1/31/2007
08703	Gillie Creek Dam	HENRICO	Class II Conditional	9/30/2008
08910	Lanier Dam	HENRY	Class II Conditional	9/30/2007
09529	Eastern Pond Dam	JAMES CITY	Class III	7/31/2007
14104	Squall Creek Dam	PATRICK	Class III Regular	1/31/2007
14319	Elkhorn Lake Dam	PITTSYLVANIA	Class III Conditional	3/31/2007
15322	Prince William Parkway Dam	PRINCE WILLIAM	Class I Conditional	1/31/2007
15501	Ottari Scout Camp #2 Dam	PULASKI	Class II Regular	1/31/2007
15702	Whippoorwill Dam	RAPPAHANNOCK	Class III Conditional	1/31/2007
17104	Woodstock Dam	SHENANDOAH	Class I Conditional	1/31/2007
19901	Harwoods Mill Dam	YORK	Class II Conditional	1/31/2007
81003	Stumpy Lake Dam	CITY OF VIRGINIA BEACH	Class I Conditional	9/30/2008

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the extension recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Delegation of Authority to Director Related to 2006 Dam Safety Act

MOTION: Ms. Packard moved that in accordance with §10.1-605.1, the Board delegates to the Director or his designee all of the powers and duties vested in the Board by the Dam Safety Act (§§ 10.1-604 et seq.) except for the adoption and promulgation of regulations or the issuance of certificates.

SECOND: Ms. Hansen

DISCUSSION: Mr. Maroon said that he would abstain from the vote.

VOTE: Motion carried with Mr. Maroon abstaining.

Delegation of Authority to Director for Dam Safety Related Emergency Repairs

MOTION: Ms. Packard moved the following:

WHEREAS § 10.1-605.1 of the Code of Virginia provides that the Board may delegate to the Director of the Department of Conservation and Recreation or his designee any powers and duties vested in the Board by the Dam Safety Act, § 10.1-604 et seq. except the adoption and promulgation of regulations or the issuance of certificates. Delegation shall not remove from the Board authority to enforce the provisions of the Act; and

WHEREAS, it appears proper to the Board to delegate to the Director or his designee certain powers and authority necessary to address circumstances giving rise to a declaration of a state of emergency by the Governor, as well as emergency situations involving dam safety;

NOW, THEREFORE, BE IT RESOLVED that the Virginia Soil and Water Conservation Board hereby delegates to the Director of the Department of Conservation and Recreation, or his designee, the following power and authority to act:

1. The Director, or his designee, shall hereafter have the authority to authorize dam owners affected by an event giving rise to a declaration of a state of emergency by the Governor to commence repairs or rebuilding of their impounding structure(s) to the pre-existing size following the issuance of an Executive Order by the Governor declaring a state of emergency. This authorization shall not relieve such dam owners of the obligation to obtain necessary alteration or construction permits from the Board for such repairs or rebuilding as soon as may be practicable following the commencement of such activities.
2. The Director, or his designee, shall hereafter have the authority to authorize dam owners to make emergency alternations and repairs to their impounding structure(s). This authorization shall not relieve such dam owners of the obligation to obtain, where necessary, alteration permits from the Board for such alterations or repairs as soon as may be practicable following the commencement of such activities.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously.

Erosion and Sediment Control Program

Status of 2005-2006 Local Program Compliance Audits

Mr. Hill gave a status report on the 2005-2006 Local Program Compliance Audits. A copy of this report is available from DCR. Mr. Hill said that the four components of a local program are: Program Administration, Plan Review, Inspection and Enforcement. Mr. Hill reviewed the scoring for each of these areas.

The programs that are fully consistent are: James City County, the Town of Wytheville, York County, the City of Virginia Beach, Giles County and Buchanan County.

Mr. Hill said that some localities have complied with a Corrective Action Agreement.

Mr. Maroon suggested that a column be added to the report that would indicate when the program was recognized by the Board and/or the CAA deadline for compliance.

Mr. Maroon said there are serious environmental concerns associated with some local programs and noted that DCR is trying to improve the implementation of the programs. Some localities are resistant to DCR staff. Those programs will be brought to the Board and will be brought up for enforcement action if necessary.

Mr. Hill said that the process has been revised and that localities are being given six months to address the Corrective Action Agreement.

Mr. Graham said that he was delighted to see these revisions and noted that it made the program more substantive.

Mr. Maroon said that Mr. Frye, Mr. Hill and their staff should be given the credit for these improvements.

Recognition of Consistency

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board commend Fauquier County, Giles County and Prince William County for successfully improving the County's Erosion and Sediment Control Program to become fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Ms. Packard

DISCUSSION: Mr. Graham expressed concerns about issues with the Town of Occoquan.

Mr. Hill said the motion would cover the County and some towns if part of the County's program.

Mr. Maroon said that DCR will address the issues with Occoquan separately.

VOTE: Motion carried unanimously.

Modification of Local Erosion and Sediment Control Program Review Schedule for FY07

Mr. Hill presented the revised Local Program Reviews – July 1, 2006 through June 30, 2007 (FY07). Mr. Hill said that staff had ask to remove the City of Franklin and Surry County. He also noted that Chesapeake, Norfolk, Mecklenburg and Loudoun County should be added. The complete list is available from DCR.

MOTION: Mr. Graham moved that the Virginia Soil and Water Conservation Board receive the staff update regarding the review of local erosion and sediment control programs and that the Board concur with the staff recommendations on the revised local programs to review for FY07 and approves the revised list of localities for completion of up to 32 reviews for FY07.

SECOND: Ms. Hansen

DISCUSSION: Mr. Simms asked if there was a timetable for all localities.

Mr. Maroon said the localities are on a five-year review schedule.

VOTE: Motion carried unanimously.

Orange County Alternative Inspection Program

MOTION: Mr. Graham moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendation regarding the proposed Alternative Inspection Program for Orange County and the Board concur with the staff recommendation and accept Orange County's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Stormwater Management Program Update

General Permits Issued

Mr. Hill said that at least 540 permits had been issued since July 1, 2006.

MS4 Permit Update

Mr. Hill said that there were six large MS4 permits to be renewed.

Motion to Initiate Regulatory Action Regarding MS4 Small General Permits

Mr. Dowling said that the staff was requesting authorization to file a Notice of Intended Regulatory Action for Part XV of the Stormwater Management Regulations pertaining to small MS4s. He noted that the modified process is exempt from the requirements of the Administrative Process Act.

Ms. Packard moved the following:

Motion to authorize and direct the filing of a Notice of Intended Regulatory Action (NOIRA) related to the Part XV of the Board's Virginia Stormwater Management Program (VSMP) Permit Regulations and other related sections.

The Board authorizes the Director of the Department of Conservation and Recreation and the Department Regulatory Coordinator to prepare and submit a NOIRA to consider changes and solicit recommendations related to the Part XV of the Board's Virginia Stormwater Management Program Permit Regulations [entitled General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems] and other necessary related sections, including but not limited to, Part I definitions, 4 VAC 50-60-400 related to Small municipal separate sewer systems, and the VSMP General Permit Registration Statement form which is incorporated by reference. The changes may include, but not be limited to, incorporating water quality bench mark goals for impaired waters and TMDLs, consistency requirements with other regulations such as Erosion and Sediment Control, chemical application and handling requirements, minimum prescriptive measures regarding public notification and reporting, post development compliance with water quality and quantity standards setout in Part II of these regulations, and compliance with Part III local program technical criteria of these regulations. As part of this exempt process, and in accordance with § 2.2-4006 A9, the Board further authorizes that following the passage of 30 days from the publication of the Notice of Intended Regulatory Action form, a technical committee composed of relevant stakeholders be established to make recommendations to the Director and the Board on potential regulatory changes, that the Department hold other stakeholder group meetings as it deems necessary, and that the Department prepare a draft proposed regulation for the Board's review and consideration.

In implementing this authorization, the Department shall follow and conduct actions in accordance with the Administrative Process Act exemption requirements specified in § 2.2-4006 A9, the Virginia Register Act, and other technical rulemaking protocols that may be applicable.

This authorization extends to, but is not limited to, the drafting and filing of the NOIRA, the holding of public meetings if determined to be necessary, the development of the draft proposed regulation and other necessary documents and documentation, as well as the coordination necessary to gain approvals

from the Attorney General, the Virginia Registrar of Regulations, and the U.S. Environmental Protection Agency.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at subsequent Board meetings.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Update on Agricultural Marketing Research and Communications Plan

Mr. Waugh gave an update on the Agricultural Marketing Research and Communications Plan.

He said that DCR has worked with a work group and put information into a final report and developed a draft communications plan. He said the concepts for the draft plan are background work with the Soil and Water Conservation Districts and a media campaign in late winter and spring. Also, a two-pronged approach for the Bay Watershed with a targeted media concentration in the Shenandoah Valley.

Mr. Waugh said the work group did a good job of taking the information and developing strategies. Those included newsletters, media relations tours in weekly newspapers, direct mail, and training on customer service.

Mr. Waugh said the DCR asked for three things: 1) promotion of overall conservation, 2) promotion of cost share and 3) highlighting priority practices.

Mr. Waugh said the campaign strives to make SWCDs the local agriculture authority. He said that farmers go to NRCS and Extension Agents first with SWCDs being the third resource due to staff turnover.

Mr. Waugh said the campaign would focus on media that farmers pay attention to. This would include buying ads in the Shenandoah Valley. One program under consideration is the recognition of a five star farm related to five priority practices of nutrient management, year-round cover crop, stream exclusion, riparian buffers and erodible soils. Farms doing all five would get a sign and public recognition. DCR is still working to determine how such a program would be run and if there would be buy-in from SWCDs.

Mr. Waugh said that a standard look for SWCD logos was suggested. He said there were mixed feelings at the Virginia Association of Soil and Water Conservation Districts meeting.

Ms. Packard asked if the issue of Virginia becoming more of an urban state was being addressed.

Mr. Waugh said that it was. He said the Chesapeake Club was targeted to lawns, asking landowners to fertilize in the fall. The campaign used innovative and humorous ads to do that.

Ms. Packard said that Fairfax needs more local focus and not as much emphasis on the Bay.

Mr. Baxter said the same was true with the Shenandoah Valley.

Mr. Waugh said the campaign does not include a lot of conversation about the Bay. He said the intent was to make connection between water quality and local actions.

Ms. Campbell asked if there was funding for additional work.

Mr. Waugh said the advertising will be approached on a case by case basis.

Regulatory Update

Mr. Dowling gave the regulatory update.

A copy of Mr. Dowling's update is included as Attachment #1.

Mr. Maroon said that Mr. Dowling deserved a great deal of credit for keeping the process moving.

Possible Dam Safety DRAFT Legislation

Mr. Dowling gave an overview of draft Dam Safety legislation that has been developed for discussion purposes. He said that the concern is that development can occur downstream from a dam and require a change in hazard classification of the dam. The dam owner has little control over this process. The draft legislation attempts to address that issue.

The legislation would authorize localities to regulate development in dam break inundation zones unless the developer contributes to necessary improvements to the impounding structure. The localities would map the inundation zones. The draft legislation includes other ordinance requirements and requires notification procedures.

Mr. Dowling noted that the Lake of the Woods Association has said this is a very significant action. There is consideration that homes not in the floodplain may now be considered in a flood zone and incur insurance costs and problems.

Mr. Maitland said that while he understood that concern it was better to carry flood insurance and be covered rather than not.

Mr. Maroon said that it was premature for the Board to take a position on the legislation and that this presentation was more for information purposes. Other stakeholders groups will be brought in to the discussion.

CREP Program Status

Mr. Frye gave an update on the CREP Program Status. He said that the state has most of the necessary funding in hand. He said that in 2004, DCR created at \$50 recruitment and \$10 per acre bonus. Five districts took advantage of that.

Mr. Frye said that in 2005 DCR added a bonus payment for wetlands. In addition there is an added incentive for buffers that were greater than 100 ft. In 2006 the wetlands goal was increased. For every dollar in state funding the federal government matches with \$4.

Election of Chair and Vice Chair

Mr. Maroon assumed the role of meeting chair for the purposes of entertaining a motion to elect new chairman.

MOTION: Ms. Packard moved that Ms. Campbell remain as Chair and Mr. Maitland as Vice Chair for the upcoming year.

SECOND: Mr. McNear

DISCUSSION: None

VOTE: Motion carried unanimously.

Ms. Campbell thanked members for their support and confidence.

FOIA/Conflict of Interest Presentation

Mr. Brown gave a presentation regarding the Freedom of Information Act.

Mr. Dowling distributed training CDs and certificates for members. He said that members were required by law to view the presentation. He asked that members complete the training and return their certificates to DCR.

Next Meeting

Mr. Maroon noted that the next meeting was scheduled for November 15 and 16 in Richmond.

District Funding Formula Presentation by VASWCD President

Mr. Calos noted that Mr. Bryne had intended to present a proposed District funding formula to the Board. The Association Board has not endorsed this funding formula, but recommended funds be distributed on an equal basis.

Ms. Campbell said that she received a copy of Mr. Byrne's position via mail.

Mr. McNear noted that multi-jurisdictional districts are concerned that the funding formula is not equitable.

Ms. Campbell said the Board would address this issue again in the future.

Partner Agency Reports

Natural Resources Conservation Service

Ms. Doetzer gave the report for the Natural Resources Conservation Service. A copy is included as Attachment #2.

Department of Conservation and Recreation

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy is included as Attachment #3.

Public Comment

Mr. Maitland said that with regard to the CREP program it was important to take a look at bio-diesel fuels and how they will be brought about in an environmentally safe way.

Adjourn

There being no further business, the meeting was adjourned at 3:12 p.m.

Respectfully submitted,

Linda S. Campbell
Chair

Joseph H. Maroon
Director

Attachment #1

Dam Safety and Stormwater Regulatory Update
September 28, 2006

DAM SAFETY REGULATORY ACTION

PAST MEETINGS

- The 1st meeting of the TAC: May 1, 2006 at VCU.
 - Committee charge;
 - Background presentations on the Ad Hoc and Board workgroup study activities;
 - Discussion of the NOIRA and regulatory process;
 - Overview of the dam safety program;
 - Review of key Code and regulatory authorities.
- Emergency Action Plan subcommittee (conference call): June 6, 2006.
- The 2nd meeting of the TAC: June 13, 2006 at Department of Forestry.
 - Discussion of Emergency Action Plan draft language;
 - Review of Virginia's dam classification criteria and related definitions;
 - Overview of Federal Technical Guidance for Dam Safety Programs;
 - Review of Other States' Approaches to Dam Classifications.
- Table 1 subcommittee meeting: June 29, 2006 at Schnabel Engineering.
- Incorporation of 2006 Enforcement legislation concepts into the draft language.
- The 3rd meeting of the TAC: July 13, 2006, at North Anna Nuclear Information Center
 - How Virginia Regulations Affect the Values of One PMF – Peter Rainey;
 - Got rain? – Dave Campbell;
 - Virginia Dams: A status report – Lisa Cahill;
 - Discussion of Table 1 Subcommittee draft language.
- DCR Dam Safety staff meeting to discuss the regulations: July 19, 2006.
- The 4th meeting of the TAC: Thursday, July 27
 - Revisit Table 1 revised draft language
 - Revisit revised EAP language
 - Preliminary Discussion of Alternative Procedures (decision matrix) for SDF Reductions
- DCR internal meeting to discuss the fee portion of the regulations: August 4, 2006.
- DCR Dam Safety staff meeting to discuss the regulations: August 10, 2006.
- DCR Dam Safety staff meeting to discuss the regulations: August 24, 2006.

- Alternative Procedures subcommittee meeting: August 28, 2006.
- The 5th meeting of the TAC: September 6, 2006 at Department of Forestry.
 - Refinement of Table 1
 - Discussion of Delayed effective date language
 - Review of Incremental Analysis language
 - Review of Dam Break Inundation Zone Mapping language
 - Discussion of Alternative Procedures (decision matrix) for SDF reductions (Subcommittee report)
 - Discussion of Dam Break Inundation Zone Draft Legislation
 - Discussion of Emergency Repair Notification language
 - Emergency Preparedness for low hazard dams language
 - Construction Permit language
 - Alteration Permit language.
- DCR internal meeting to discuss the regulations: September 20, 2006.
- DCR internal meeting to discuss the regulations: September 25, 2006.
- DCR internal meeting to discuss the regulations: September 27, 2006.

UPCOMING MEETINGS

- The 6th meeting of the TAC: Wednesday, October 11, 2006 at John Tyler in Chester.
 - Review of regulation refinements including Table 1 modifications
 - Fees discussion
 - Forms discussion
 - Decommissioning procedures
- The 7th meeting of the TAC: Tuesday, October 31, 2006 at VCU.
- Board review of proposed regulations at the November 15th and 16th Board meeting (Currently targeting end of November for submission).

STORMWATER REGULATORY ACTION

PAST MEETINGS

- The 1st meeting of the TAC: May 4, 2006 at the Science Museum of Virginia.
 - Committee charge;
 - Discussion of what led up to this regulatory action;
 - Review of the NOIRA and regulatory process;
 - Stormwater program overview presentation;
 - Brainstorming on general issues that may need to be addressed associated with:
 - Part II (Minimum Local stormwater management program Water Quality and Quantity Criteria)
 - Part III (Local Program Administrative and Delegation Procedures and Requirements)
 - Part XIII (Fees)
- DCR internal drafting team developed draft language for Part II: May 8, 2006
- DCR internal drafting team developed draft language for Part II (conference call): May 17, 2006
- The 2nd meeting of the TAC: May 18, 2006 at Department of Forestry.
 - Discussion of the Part II draft language
- DCR internal drafting team developed revised draft language for Part II: May 26, 2006.
- Discussion of regulation status with Director: June 6, 2006.
- The 3rd meeting of the TAC: June 8, 2006 at Department of Forestry.
 - Presentation of existing Part III language (local program administration)
 - Detailed discussion of Part III components
- DCR internal drafting team developed revised draft language for Part II: June 16, 2006.
- The 4th meeting of the TAC: June 20, 2006 at the Science Museum of Virginia.
 - Discussion of Part XIII (fees);
 - Continued detailed discussion of Part III components;
 - Refined subcommittee structure for Parts II, III, and XIII.
- Discussion of the revised draft language for Part II with the AG's Office: June 27, 2006.
- DCR internal drafting team developed draft language for Part III: June 28, 2006.
- DCR internal drafting team developed draft language for Part III: July 5, 2006.

- Cancelled Tuesday, July 11th and Tuesday, July 25th TAC meetings. Required additional time to draft and for subcommittees to meet. [Dates did not work for subcom members.]
- DCR internal drafting team developed draft language for Part III: July 11, 2006.
- Discussion of regulation status with Director: July 12, 2006.
- DCR internal drafting team developed draft language for Part III: July 5, 2006.
- DCR internal drafting team developed Part XIII survey language: July 14, 2006.
- DCR internal drafting team developed draft language for Part III: July 25, 2006.
- DCR internal drafting team developed draft language for Part II: August 3, 2006.
- Part III subcommittee meeting: August 8, 2006 at DEQ regional office.
- Part II subcommittee meeting: August 16, 2006.
- DCR internal drafting team developed draft language for Part III: August 17, 2006.
- The 5th meeting of the TAC: August 21, 2006 at the Science Museum.
 - Discussion of Part III
- DCR internal drafting team developed draft language for Part XIII: August 23, 2006.
- Part XIII subcommittee meeting: August 29, 2006 at DEQ regional office.
- Preliminary conference call with EPA on regulations: August 31, 2006.
- DCR internal drafting team developed draft language for Part II: September 7, 2006.
- DCR internal drafting team developed draft language for Part XIII: September 11, 2006.
- DCR internal drafting team developed draft language for Part II: September 12, 2006.
- Part II subcommittee meeting (2nd meeting): August 21, 2006 at DOF in New Kent.
- DCR internal drafting team developed draft language for Part II and III: September 26, 2006.

UPCOMING MEETINGS

- The 6th meeting of the TAC: October 3, 2006.
- DCR internal drafting team to develop draft language for Part XIII: October 6, 2006.

- Part II technical discussion meeting (perhaps October 10, 11, or 12).
- The 7th meeting of the TAC: October 16, 2006.
- The 8th meeting of the TAC: October 26, 2006.
- Board review of proposed regulations at the November 15th and 16th Board meeting (Currently targeting end of November for submission).

SUMMARY OF KEY CHANGES TO THE STORMWATER REGULATIONS

CHAPTER 60 VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) PERMIT REGULATIONS

Part I

- Provides definitions or modifications to definitions for “Karst feature”, “Low Impact Development or LID” “Maximum extent practicable or MEP”, "Person" "Riparian buffer" “Runoff characteristics”, “Site hydrology”, “Stormwater management criteria” and "Watershed".

Part II Stormwater Management Program Technical Criteria

- Repeals all existing language regarding technical criteria
- Establishes the minimum technical criteria and stormwater management standards that shall be employed by a delegated or state-administered local stormwater management program to protect the quality and quantity of state waters from the potential harm of unmanaged stormwater runoff resulting from land disturbing activities.
- In order to protect the quality of state waters and to control nonpoint source pollution, the water quality section establishes that:
 - The post-development pollutant load from new development on undeveloped land shall not exceed 0.28 pounds of total phosphorus per acre per year and 2.68 pounds of total nitrogen per acre per year.
 - Projects occurring on prior developed lands achieve a 44% reduction in total phosphorous load and 28% reduction in total nitrogen load from pre-existing conditions.
 - Specifies that in addition to the above requirements, if a land disturbing activity discharges stormwater to a segment of a state water that has been designated as impaired by the 303(d) Impaired Waters List and a TMDL for that segment has been established and approved by the United States Environmental Protection Agency, a local program shall require that additional control measures be implemented such that post-development conditions are targeted toward the improvement of water quality for the listed impairment to the maximum extent practicable.
 - Specifies that if the local program allows for offsite controls, and if the applicant demonstrates to the satisfaction of the local program authority that post-development

pollutant load water quality technical criteria cannot be achieved onsite, offsite controls may be considered to achieve the necessary reduction.

- [Requires at a minimum, the pollutant load not exceed 0.37 pounds of total phosphorus per acre per year and 3.5 pounds of total nitrogen per acre per year onsite for new development on undeveloped land]
- [Projects occurring on prior developed lands shall at a minimum achieve a 33% reduction in total phosphorous load and 21% reduction in total nitrogen load from pre-existing conditions through onsite controls.]
- If the local program allows for an in lieu fee, and if the applicant has demonstrated to the satisfaction of the local program authority that the criteria cannot be met off-site, then the remaining load reductions shall be achieved by a payment of a fee for the restricted purpose of achieving the required load reductions pursuant to a Board approved plan and schedule.
- In order to protect state waters from the potential harms of unmanaged quantities of stormwater runoff, the section establishes that:
 - Properties and receiving state waters downstream of receiving stormwater runoff from any land-disturbing activity shall be protected from sediment deposition, erosion and damage due to changes in runoff rate of flow and hydrologic characteristics, including but not limited to, changes in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff.
 - Land disturbing activities shall maintain post-development runoff rate of flow and runoff characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or
 - If stream channel erosion or localized flooding is an existing predevelopment condition, the proposed land disturbing activity shall maintain or improve the existing predevelopment runoff characteristics and site hydrology.
- The specified design storms are defined as a 2 and 10-year 24-hour storm using the site specific rainfall distribution recommended by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS).
- Construction of Stormwater management impoundment structures or facilities shall be governed by the following:
 - Construction of stormwater management impoundment structures or facilities within tidal or nontidal wetlands and perennial streams shall be avoided to the maximum extent practicable.
 - Construction of stormwater management impoundment structures or facilities within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the maximum extent practicable.

- Stormwater management impoundment structures that are not covered by the Impounding Structure Regulations (4VAC50-20) shall be engineered for structural integrity for the 100-year storm event. In no case shall the design standard be less than the 100-year storm event for any stormwater management impoundment structure.
- Construction of stormwater management impoundment structures or facilities may occur in karst areas only after a geological study of the area has been conducted.
- No adverse environmental impacts shall occur to any identified karst features. Permanent stormwater management impoundment structures or facilities shall only be constructed in karst features after completion of a geotechnical investigation.
- A local program shall develop a riparian buffer plan that includes riparian protection strategies for the maintenance of existing buffers and the establishment of new buffers.
 - To the maximum extent practicable, such a plan shall require that riparian buffers adjacent to state waters, excluding stormwater management impoundment structures or facilities, on development and redevelopment sites be maintained during and following the land disturbing activity.
 - If no such riparian buffers are existing at the time of the land disturbing activity, then such plan shall require that riparian buffers be established.
 - The local program riparian buffer plan shall be approved by the Board.
 - The Board may grant an exception to the 35-foot width requirement provided that the local program demonstrates to the satisfaction of the Board that the reduced width will satisfactorily protect water quality and quantity.

Part IIIA - Local Programs

- Repeals all existing language regarding local programs.
- This Part specifies the minimum technical criteria for a locality administered stormwater management program and the requirements of a local government ordinance regarding a stormwater management program.
- Specifies that a local stormwater management program adopt an ordinance that provides for the following:
 - Identification of the permit issuing authority, the plan approving authority, the inspection authority, and the enforcement authority;
 - Regulations and technical criteria to be used in the stormwater management program;
 - Procedures for the submission and approval of plans;
 - Procedures for the issuance, denial, revocation, termination, reissuance, transfer, or modifications of stormwater permits;
 - Assessment and collection of fees;
 - Inspection and monitoring of land disturbing activities for compliance
 - Procedures for long-term BMP inspection;

- Enforcement.
- Sets out the procedures for stormwater management plan review and approval prior to commencement of the land disturbing activities.
 - Sets out the minimum elements of a complete plan.
 - Establishes plan review timelines and approval or denial processes.
 - Specifies plan modification procedures.
- Provides procedures for issuing coverage under the VSMP General Permit for Discharges of Stormwater from Construction Activities for land disturbing activities.
- Specifies that local programs shall conduct inspections of stormwater management BMPs during construction to ensure that the location and design criteria of the BMPs are in accordance with the approved plan. Also establishes long-term inspection procedures for BMPs by operators and the localities.
- Establishes that enforcement procedures by a local program shall include:
 - Informal and formal administrative enforcement procedures including:
 - Verbal warning and inspection reports;
 - Notice of corrective action;
 - Consent special orders and civil charges in accordance with §§ 10.1-603.2:1 7 and 10.1-603.14 D 2;
 - Notice to comply in accordance with § 10.1-603.11;
 - Special orders in accordance with § 10.1-603.2:1 7;
 - Emergency special orders in accordance with § 10.1-603.2:1 7; and
 - Public notice and comment period pursuant to 4 VAC 50-60-660.
 - Civil and criminal judicial enforcement procedures including:
 - a. Schedule of civil penalties;
 - b. Criminal penalties in accordance with § 10.1-603.14 B and C; and
 - c. Injunctions in accordance with §§ 10.1-603.12:4 and 10.1-603.14 D1
 - Establishes a schedule of Civil Penalties.
- Sets out the hearing process.
- Sets out the exceptions (variance) process for Part II water quality and quantity provisions.
- Establishes BMP maintenance requirements.
- Establishes reporting and record keeping requirements.

Part IIIB - Department of Conservation and Recreation administered local programs

- This Part specifies that in the absence of delegation to a locality, the Department shall administer the local stormwater management program and sets out the minimum technical criteria for a Department-administered stormwater management program.
- Sets out similar provisions to those established in Part IIIA for local programs.
 - We do not accept a site grading plan
 - We have longer review timelines in some cases

Part IIIC - Department of Conservation and Recreation local program review procedures

- Specifies the criteria that the Department will utilize in reviewing a locality's administration of a stormwater management program following the delegation of a local stormwater management program to that locality by the Board.

Part IIID - Virginia Soil and Water Conservation Board delegation procedures for local programs

- Establishes the Board's procedures for delegating a stormwater management program to a locality.

Part XIII - Fees

- This Part is still under revision, but upgraded fees are being developed for the issuance of stormwater construction permit coverage based on estimated plan review, SWPPP review, administrative processing, site inspection, travel, compliance/enforcement, and BMP inspection time spent by DCR staff on projects over a year's period with concurrence from localities.

SUMMARY OF KEY CHANGES TO THE IMPOUNDING STRUCTURES REGULATIONS**VIRGINIA IMPOUNDING STRUCTURE REGULATIONS (§ 4 VAC 50-20)**

- Provides definitions or modifications to definitions for “Alteration”, “Construction”, “Dam break inundation zone”, “Department”, “Drill”, “Emergency Action Plan or EAP”, “Emergency Action Plan Exercise”, “Freeboard”, “Spillway”, “Sunny Day Dam Failure” and “Tabletop Exercise”.
- Modifies the hazard classifications of dams from Class 1 through 4 to High, Significant, and Low and simplifies the associated spillway design requirements.
- Eliminates the distinctions between existing (pre-1982) and new (post 1982) dams. [Treats all dams similarly.]
- Allows for the usage of incremental damage assessment on all dams to evaluate potential allowable reductions in spillway design.
 - Minimum spillway design values have been set for each hazard classification, below which no further SDF reductions can be made.
 - In no situation shall the reduction be less than the level at which the incremental increase in water surface elevation downstream due to failure of a dam is no longer considered to present an unacceptable additional downstream threat.
- Specifies that Dam break inundation zone maps shall be provided to the Department to meet the requirements set out in Hazard Potential Classifications of Impounding Structures (4VAC50-20-40), Emergency Action Plan for High and Significant Potential Hazard Dams (4VAC50-20-175), and Emergency Preparedness for Low Hazard Potential Dams (4VAC50-20-177) and sets out the modeling requirements.
- Establishes that the dam owner shall send to the appropriate local government office, with planning and zoning responsibilities, a copy of their dam certificate and a map showing the area that could be affected by a dam breach.
- Specifies that if an owner or the owner’s engineer has determined that circumstances are impacting the integrity of the dam, which could result in the imminent failure of the dam, that temporary repairs may be initiated prior to approval from the Director.
- Modifies the construction permit language to conform with the recent Dam Safety Act changes.
 - Establishes construction schedule requirements, temporary EAP procedures, construction permit review timelines, and stop work order authorities.
- Establishes alteration permit requirements similar to those established for construction.

- Establishes a delayed effective date for Spillway Design Flood requirements for those impounding structures determined to have an adequate spillway capacity prior to the effective date of these regulations, and that hold a current certificate to operate but due to changes in the spillway capacity requirements require spillway modifications.
- Incorporates the Code requirements associated with not allowing for the growth of trees and other woody vegetation on a dam and the requirement for the vegetation's removal from the slopes and crest of embankments and the emergency spillway area, and within a distance of 25 feet from the toe of the embankment and abutments of the dam.
- Sets out detailed requirements for the development of Emergency Action Plans for High and Significant Hazard Dams and emergency preparedness requirements for Low Hazard Dams.
- Updates inspection and enforcement authorities and procedures to conform with the recent Dam Safety Act changes.
- Includes language specifying the procedures for decommissioning dams [language under development].
- Establishes fees and submittal procedures for such fees for Construction Permits, Regular Operation and Maintenance Certificates, and Conditional Operation and Maintenance Certificates.

Attachment #2

**NRCS REPORT
VA Soil & Water Conservation Board Meeting
September 28, 2006
NRCS Conference Room
Richmond, VA**

ARLEN LANCASTER – NAMED NEW NRCS CHIEF

On August 23, 2006, Agriculture Secretary Mike Johanns announced the selection of Arlen Lancaster as Chief of the Natural Resources Conservation Service (NRCS). Lancaster succeeds Bruce Knight at NRCS, who was recently confirmed by the U.S. Senate as Under Secretary of Agriculture for marketing and regulatory programs. Lancaster has served as Deputy Assistant Secretary of Congressional Relations at USDA since April 2005. Prior to his service at USDA, Lancaster served in various senior staff positions in Congress, having worked for Senator Robert Bennett and then Senator Mike Crapo as Senior Policy Advisor and the Staff Director for the Senate Subcommittee on Forestry, Conservation, and Rural Revitalization. He played a key role in crafting the conservation title of the 2002 Farm Bill.

FARM BILL PROGRAMS

Financial Programs (EQIP, WHIP)

Virginia finished the fiscal year having allocated 100% of all available funding in both the Environmental Quality Incentive Program (EQIP) and Wildlife Habitat Incentive Program (WHIP). Virginia was awarded an extra one million dollars as an efficiency bonus earlier in the year for the manner in which we were approving and addressing contracts. We also received an additional \$560,000 in funds not used by other states in WHIP. This allowed us to fund all of our wait listed applications.

Final modifications are being made to the 2007 program. All changes will be discussed with the State Technical Committee this month. Sign-up will start on October 1 and run through December 15th. Several excellent comments were obtained from the local working group effort and have been incorporated into the programs for next year.

Easement Programs (FRPP, GRP, and WRP)

Virginia was able to close our first easements under the Grassland Reserve Program (GRP). Two tracts in Augusta County now have perpetual easements to maintain these areas in grassland.

Four Farm and Ranchland Protection (FRPP) easements have been completed and are scheduled to be closed very soon.

We are monitoring all of our current Wetland Reserve (WRP) easements and are contracting for additional restoration work to enhance vegetated cover and water retention on several sites. Agreements have been signed to develop four additional easements during the next fiscal year.

Stewardship Program (CSP)

A total of fifteen contracts were accepted in the Conservation Security Program (CSP) from the North Fork of the Shenandoah River Watershed. Payments were made for 2006 activities earlier in the fiscal year. Currently 27 existing contracts have been modified to add practices or additional land to raise the tier level of the contract. These are awaiting approval from Washington.

Four new watersheds were submitted for consideration for 2007 funding. All watersheds submitted meet the minimum national criteria from the coastal plan area of the Chesapeake Bay Watershed.

WATERSHED OPERATIONS

Buena Vista – NRCS has obligated \$1,138,600 in a cooperative agreement with the City of Buena Vista. The City will use the funds to design and construct two bridges on Chalk Mine Run which are undersized and cause flooding problems. NRCS is finalizing the channel improvements to go along with the bridge upgrades. The construction of both projects will begin in FY-07.

Land Treatment – NRCS has completed implementation of 32 Long Term Contracts with landowners in targeted watersheds in Virginia during the past year. NRCS provided 75% cost-share to landowners to install needed conservation measures on their farm. The funds were provided by the Small Watershed Programs under PL-566 and PL-534.

DAM REHABILITATION

South River Site 23 (Robinson Hollow) – NRCS has completed the final design for the rehabilitation of South River Site 23 in Augusta County. The federal and local funds have been obligated in a project agreement with Augusta County, the City of Waynesboro and the Headwaters SWCD. The project will be contracted this fall and construction will begin in the spring of 2007. Augusta County will utilize a local contract for this project.

South River Site 26 (Inch Branch) – NRCS is nearing completion of the design for Inch Branch. A draft design should be completed by September 2006. NRCS has requested funds to construct this project in FY-07.

Pohick Creek Site 4 (Royal Lake) – NRCS has completed a rehabilitation plan for Pohick Creek Site 4 in Fairfax County. This final plan was signed by NRCS, Fairfax County and the Northern Virginia SWCD on September 25, 2006. The plan will then go on to the NRCS Chief for authorization. Funds have been requested in FY-07 for the design and construction of this project.

Pohick Creek Site 3 (Woodglen Lake) – NRCS has initiated planning on this dam rehabilitation project in Fairfax County. A final plan will be completed in FY-07.

WATERSHED PLANNING

North Fork Powell River Watershed – NRCS is developing a watershed plan for this watershed in Lee County. A draft plan will be completed by January 2007. The plan will address water quality issues associated with abandoned mines and acid mine drainage. The project sponsors are the Daniel Boone SWCD, Lee County, and the Virginia Department of Mines, Minerals and Energy.

Rapid Watershed Assessments – NRCS has signed a cooperative agreement with the Virginia Department of Conservation and Recreation to conduct a Rapid Watershed Assessment (RWA) for the South Fork of the Shenandoah River. The agreement which became effective July 1, 2006 provides nearly \$38,000 in Cooperative Conservation Partnership Initiative funds to collect and analyze data, and to develop a watershed profile. This watershed is a high priority for the state because of the heavy agricultural concentrations and severe fish kills that have occurred over the last few years.

The RWA is being conducted as part of the assessment for planning implementation of the state's tributary strategies. At present, conservation planning is severely hampered by knowledge and data gaps needed to successfully meet reduction goals. The assessment to be completed by December 2007, will help provide needed data and a format for future RWAs.

NRCS is planning to do a Rapid Watershed Assessment on the North Fork of the Shenandoah River in FY 2007.

BIO-DIESEL WORKSHOPS

South Centre Corridors RC&D and South Hampton Roads RC&D are partnering with the Hampton Roads Clean Cities Coalition and the Virginia Department of Mines, Minerals and Energy in an effort to promote the use of Bio-fuels such as bio-diesel. This addresses the use of cleaner air due to less

emissions and renewable energy. It is the goal of the RC&D Councils to increase the production and use of bio-diesel. In turn, this will have a positive effect on farm income. A series of workshops are being held to illustrate the process for converting waste cooking oil to bio-diesel and discuss the opportunities for farmers to grow oilseed crops for production of bio-diesel. Attendance at these workshops has exceeded expectation.

SHORELINE PROTECTION ON THE EASTERN SHORE

The Eastern Shore RC&D is working to promote living shorelines. They received a \$37,500 grant to pursue this project. Natural shorelines with vegetation are more aesthetic than bulkheads plus they harbor many more egrets, herons and other birds. Natural shorelines are less likely to be a source of sediment which is damaging to aquatic vegetation and marine life. A seminar held last fall on alternative shoreline protection attracted over 100 people. As a result of the public interest RC&D began seeking funds to conduct demonstrations and provide assistance to landowners interested in this environmental friendly alternative to stabilize shorelines.

CHESAPEAKE BAY STATE CONSERVATIONISTS MEETING THIS WEEK

Virginia hosted the State Conservationists within the Chesapeake Bay watershed on September 19-20, 2006. We are initiating a public awareness campaign which will bring to light the resources that NRCS is investing in to improve water quality within the Bay. All six states have a Bay webpage. Broadcast news features and monthly newspaper columns are planned.

Attachment #3

Department of Conservation and Recreation
Report to the Virginia Soil & Water Conservation Board
September 28, 2006

1. DCR/SWCD Operational Funding:

All 47 SWCDs have been issued grant agreements with DCR for Operational funding this fiscal year ('07). Each district was issued an initial quarterly disbursement during August after a fully endorsed grant agreement was received by their assigned CDC.

This fiscal year (FY07), operational funding for all districts totals \$4,052,240. The total amount is the same as FY06 operational funding, however, FY07 funding is still roughly 6% less than the peak funding level experienced by districts in FY01 (\$4,301,000).

2. SWCD Audit Services:

The accounting firm of Robinson, Farmer, Cox Associates (RFCA) has begun field visits to SWCD offices to perform the necessary field work for completion of district audits for the period that ended on June 30, 2006. Twenty-two districts will be audited by RFCA. Final audit reports will be provided to DCR towards the end of this calendar year.

3. SWCD Bonding Coverage:

This fiscal year is the second year of a 2-year contract for a surety bond policy for all SWCDs. The contract raises the deductible above the previous contract from \$5,000 to \$10,000 per claim, with an annual premium (paid by DCR) of nearly \$20,000 (twice previous rate). Information pertaining to these new arrangements was issued to all SWCDs through correspondence from Jack Frye in August 2005. The recently updated "Desktop Guide for District Fiscal Operations" incorporates certain criteria SWCDs must fulfill in order to satisfy requirements of the insurance provider that carries the SWCD surety bond policy.

4. Employee Development

The conservation partners continue to work through the "JED" –Joint Employee Development system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. A state level JED team meeting was held July 31, 2006 at the DOF state headquarters in Charlottesville and a follow up conference call was conducted on August 21st.

The need to effectively collaborate among conservation partners is especially important with the addition of SWCD technical staff thanks to the \$2 million dollars appropriated by General Assembly this fiscal year and next. The additional SWCD technical staff will focus on implementation of agricultural BMPs. Training plans for newly employed staff will be critical to rapidly advancing the "KSAs" (knowledge, skills and abilities) they will need to effectively perform their work activities.

Two “core” courses are scheduled in November. Conservation Orientation for New Employees will be held November 13 through 17. Conservation Selling Skills is scheduled November 1st and 2nd. Both courses will be available to all partners. Details for location and registration are being resolved and should be conveyed to SWCDs and others in coming weeks. Training related to the Virginia Agricultural BMP Cost-Share Program is being scheduled through this network and will be delivered during September and October.

5. SWCD Dams:

The SWCD dam owner work group continues to meet and work on specific dam issues among districts. The last meeting was held July 26, 2006 in Charlottesville at the DOF state headquarters. Now that most of the major training needs of the group have been addressed, a quarterly meeting frequency is planned. Of the roughly 4 meetings per year, one will address routine maintenance of district dams, another will address Emergency Action Plans and the remaining two meetings will address priority topics identified by the group. The July meeting provided a variety of topics with presentations by several districts. The group also addressed follow up actions for certain topics covered in previous meetings (for example, updates and follow ups to breach inundation areas that would be impacted by dam failures).

6. Agricultural BMP Cost-Share Program:

The availability of contracted practices and increased allocations for BMP implementation has increased BMP cost-share applications statewide. Emphasis for the program year that began July 1, 2006 is being placed on advancing farmer implementation of 5 agricultural conservation priorities. Those priorities are (in no particular order): livestock exclusion from state waters; vegetative riparian buffers; implementation of nutrient management plans; plantings of cover crops; and continuous no-till. Each SWCD received three different categories of cost-share allocations, with guidance as to what each allocation category can fund.

Expected increases in practice implementation and the introduction of contracted BMP necessitated development of a contracted practice tracking program. Likewise the BMP tracking program was migrated to Visual Basic and MY SQL to facilitate increased database processing speed and multi user capabilities. Both programs have been deployed and final de-bugging of both the tracking programs is on going. A second round of Ag. BMP cost-share program training is being developed for delivery to SWCD during the last week in September and the first week in October. Addressing questions about new and changed practice specifications and data entry into the tracking programs will be major topics during the trainings.

7. Conservation Reserve Enhancement Program (CREP):

New state CREP cost-share caps have stimulated interest in CREP enrollment. With less than eighteen months of guaranteed enrollment left, the push to signup CREP participants is paramount. However, increases in state cost-share, and EQIP signup continue to compete for applicants. A revision of previously issued guidance on CREP buffering of sinkholes was issued in August. These changes clarified under what conditions entire fields of karst features could be enrolled in CREP. These changes are expected to further stimulate signup in the Southern Rivers Basins.

8. Stormwater Management:

DCR is working with the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach to reissue the MS4 individual permit for each locality. The initial draft of the individual permits is complete and incorporates comments received from EPA and the localities. At present, DCR is working with the Office of the Attorney General in the review of the draft permit. Also, DCR staff has issued coverage under the General Permit for Stormwater Discharges from Construction Activities to 540 projects since July 1, 2006.

9. Nutrient Management:

Approximately 300 certified nutrient management planners were mailed a flyer and practice standards for the NM1-NM4 practices. Additionally, DCR is planning to hold several regional meetings with private certified planners to brief them on these practices and solicit their help in recruiting farmers to sign-up for the practices and in writing the associated nutrient management plans. Local SWCDs will be asked to present part of the program in these regional meetings.

The 2003 General Assembly approved legislation mandating the Board of Health to amend their regulations to require NMPs on all sludge application sites. Since these regulations have not been adopted to date, DCR staff met with Department of Health staff to see what can be done to move forward on biosolids use regulation changes to require nutrient management plans on all biosolids application sites. The proposed regulation changes are now expected to be published in an upcoming edition of the Virginia Register to begin the public comment period.

10. Erosion and Sediment Control Program Review

DCR is reviewing local erosion and sediment control programs per the FY2006/2007 revised list approved by the Va. Soil and Water Conservation Board. In addition, follow-up reviews for local programs needing improvement are underway to drive implementation of Corrective Action Agreements.